

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1197 - HB 1343

March 1, 2015

SUMMARY OF BILL: Creates a new Class D felony for reckless endangerment when the victim is under eight years of age.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$376,000 Highest Projected Cost of Next 10 Years/Incarceration*

Assumptions:

- Under current law, reckless endangerment is a Class A misdemeanor unless committed with a deadly weapon (Class E felony); by discharging a firearm into an occupied habitation (Class C felony); or by discharging a firearm into an unoccupied habitation (Class D felony).
- The bill creates a Class D felony when the victim is less than eight years of age.
- Statistics from the Administrative Office of the Courts (AOC) show that there has been an average of 98.2 convictions per year for misdemeanor reckless endangerment over the last five years.
- It is assumed that five percent ($98.2 \times 0.05 = 4.91$) of these admissions involve a victim under the age of eight.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for one ($5 \times .1178$) additional admissions for a total of six ($5 + 1$).
- It is assumed that the average offender will serve the same time as an average Class D felony, 2.04 years.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2015 is \$66.03.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on six offenders serving an additional 2.04 years (745.11 days) for a total of \$49,200 ($\66.03×745.11 days). The cost for six offenders is \$295,200 ($\$49,200 \times 6$).
- Statistics from the DOC show a 10-year average of 145.7 admissions per year for Class E felony reckless endangerment (deadly weapon). It is assumed that five percent ($145.7 \times .05 = 7.29$) of these admissions involve a victim under the age of eight.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth

of 11.78 percent over the next 10 years. Population growth will account for one (7 x .1178) additional admissions for a total of eight (7 + 1).

- It is assumed that the average offender will serve the same time as an average Class D felony, 2.04 years. Statistics from the DOC show the average time served for reckless endangerment is 1.37 years. The bill will result in each offender serving an additional 0.67 years (2.04 – 1.37).
- According to the DOC, 32.23 percent of offenders will re-offend within one year of their release. A recidivism discount of 32.23 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (8 offenders x .3223 = 3 offenders).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on five offenders [8 offenders – 3 (recidivism discount)] serving an additional 0.67 years (244.72 days) for a total of \$16,159 (\$66.03 x 244.72 days). The cost for five offenders is \$80,795 (\$16,159 x 5).
- The total increase in incarceration costs is \$375,995 (\$295,200 + \$80,795).
- The bill will generate only _ cases per year statewide. Any impact to the caseloads of the AOC, District Attorneys General Conference, or the District Public Defenders Conference can be accommodated within existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

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